

**BEFORE THE
ADMINISTRATIVE RULES COMMITTEE
OF THE NORTH DAKOTA LEGISLATIVE COUNCIL**

Amendments to N.D. Admin. Code) Chapter 75-03-15, Ratesetting for) Providers of Services to Foster) Children – Group Homes and) Residential Child Care Facilities) (Pages 440-452)))	<u>REPORT OF THE</u> <u>DEPT. OF HUMAN SERVICES</u> July 26, 2004
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For its report, the North Dakota Department of Human Services states:

- 1. The amendments to N.D. Administrative Code chapter 75-03-15 are not a direct result of statutory changes made by the 58th Legislative Assembly.**
- 2. These rules are not related to any changes in federal statutes or regulations.**
- 3. The Department of Human Services uses direct mail and electronic mail as the preferred ways of notifying interested persons of proposed rulemaking. The department uses a “basic” mailing list for each rulemaking project that includes the county social service boards, the regional human service centers, all Legal Aid offices in North Dakota, all persons who have asked to be on the basic list, and internal circulation within the department. Additionally, the department constructs relevant mailing lists for specific rulemaking. The mailing list for this particular rulemaking project included family foster care providers, residential childcare facilities, and other interested persons. The department also places public announcements in all county**

newspapers advising generally of the content of the rulemaking, of over 50 locations throughout the state where the proposed rulemaking documents may be reviewed, and stating the location, date, and time of the public hearing.

The department conducts public hearings on all substantive rulemaking. Oral comments are recorded. After the hearing, oral comments, as well as any written comments that have been received, are summarized and presented to the department's executive director, together with any response to the comments that may seem appropriate and a redrafted rule incorporating any change occasioned by the comments.

4. The department received one comment on these rules. As required by law, the department fully considered the comment. A summary of the comment is attached to this report. The summary identifies the commentor, the comment, and explains the department's response to the comment.
5. The approximate cost of giving public notice and holding the hearings was \$ 1779.00.
6. The amendments to North Dakota Administrative Code chapter 75-03-15 (Ratesetting for Providers of Services to Foster Children – Group Homes and Residential Child Care Facilities) are found on pages 440 through 452 of your materials.

75-03-15-01. Subsection 9 was amended to remove a grammatical error.

75-03-15-04. This section was amended to clarify the ratesetting process. The changes seek to align Group and Residential Child Care Facilities' ratesetting rules with Residential Treatment Centers' ratesetting rules.

This section provides a formula for a rate increase for facilities that have a capacity increase, major renovation or major construction. By now providing a rate increase in a timely manner, facilities will be provided with a more immediate cash flow. In the past, a facility requested a variance, or waited for the next rate cycle to include in their rate the costs of a capacity increase, major renovation or major construction.

75-03-15-06. This section was amended to change "service rate" to "rehabilitation rate."

75-03-15-07. Subsection 1(m) was amended to remove "donated or".

75-03-15-08. This section was amended to change "service rate" to "rehabilitation rate."

75-03-15-10. This section was amended to correct a grammatical error.

75-03-15-11. This section was amended to delete the word "interest" from subsection 2.

75-03-15-13. This section was amended to clarify the section for taxes that are unallowable.

7. No written requests for regulatory analysis have been filed by the Governor or by any agency. The amendments are anticipated to have a minimal fiscal impact on the regulated community. A regulatory analysis was prepared and is attached to this report.
8. A small entity regulatory analysis and small entity economic impact statement were prepared and are attached to this report.

9. A constitutional takings assessment was prepared and is attached to this report.
10. These rules were not adopted as emergency (interim final) rules.

Prepared by:

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